

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Cory Darnell Holland, Sr.,

Plaintiff,

-against-

Curtis “50 Cent” Jackson,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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23 Civ. 2119 (AT)

ORDER OF SERVICE

Plaintiff *pro se*, Cory Darnell Holland, Sr., brings this action alleging that Defendant, Curtis “50 Cent” Jackson, retaliated against him for filing an earlier lawsuit, *Jackson v. Lions Gate Entertainment and Films*, 22 Civ. 2944. The Court exercises subject matter jurisdiction over Plaintiff’s claims under the diversity of citizenship statute, 28 U.S.C. § 1332. By order dated March 14, 2023, the Honorable Laura Taylor Swain granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. ECF No. 4.

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the Court must order the U.S. Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendant through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for this Defendant. The Clerk of Court is further instructed to issue a summons and deliver to the U.S. Marshals Service all the paperwork necessary for the U.S. Marshals Service to effect service upon Defendant.

If the complaint is not served within ninety days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within ninety days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and the complaint until the Court reviewed the complaint and ordered that the summons be issued. The Court therefore extends the time to serve until ninety days after the date the summons is issued.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order and an information package to Plaintiff *pro se*.

The Clerk of Court is further instructed to issue a summons, complete the USM-285 form for Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

SO ORDERED.

Dated: March 22, 2023
New York, New York



ANALISA TORRES
United States District Judge